

AMENDED IN ASSEMBLY MAY 24, 2001

AMENDED IN ASSEMBLY MAY 10, 2001

AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1219

**Introduced by Assembly Member Frommer
(Coauthor: Assembly Member Koretz)**

February 23, 2001

An act to add Section 12071.5 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as amended, Frommer. Firearms: safety mechanisms.

Existing law generally regulates safety design aspects for handguns.

This bill, in addition, would provide that, except as provided, *commencing January 1, 2006*, no licensed firearms dealer may sell, loan, or transfer any pistol, revolver, or other firearm capable of being concealed upon the person ~~that is manufactured on or after January 1, 2004~~, unless that firearm includes an integrated mechanical safety device or other incorporated design technology that is designed to prevent children and other unauthorized users from discharging the handgun, as specified. Violation of these provisions is punishable by a civil penalty of up to \$50,000 for each firearm that is sold, loaned, or transferred in violation of the provisions. Violation of the provisions, as specified, would also subject a firearms dealer to forfeiture of the firearms license. This bill would also require the Attorney General to adopt rules and regulations for the implementation and enforcement of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12071.5 is added to the Penal Code, to
2 read:

3 12071.5. (a) ~~No Commencing on January 1, 2006, no person~~
4 licensed pursuant to Section 12701 may sell, loan, or transfer any
5 pistol, revolver, or other firearm capable of being concealed upon
6 the person ~~that is manufactured on or after January 1, 2004, unless~~
7 that firearm includes an integrated mechanical safety device or
8 other incorporated design technology that is designed to prevent
9 children and other unauthorized users from discharging that
10 firearm.

11 (b) For purposes of this section, “integrated mechanical safety
12 device” means a disabling or locking device that is incorporated
13 within the design of a pistol, revolver, or other firearm capable of
14 being concealed upon the person, and as part of its original
15 manufacture, technology that automatically limits its operational
16 use, and that cannot be readily deactivated, so that it may only be
17 fired by an authorized or recognized user. The technology limiting
18 the operational use of the pistol, revolver, or other firearm capable
19 of being concealed upon the person may include, but is not limited
20 to, radio tagging, touch memory, remote control, fingerprint,
21 magnetic encoding, and other automatic user identification
22 systems using biometrics, mechanical and electronic systems.

23 (c) Subdivision (a) shall not apply to any of the following:

24 (1) The sale, loan or transfer of a pistol, revolver, or any other
25 firearm capable of being concealed upon the person to any law
26 enforcement agency, or any agency authorized to perform law
27 enforcement duties.

28 (2) The sale, loan, or transfer of a pistol, revolver, or any other
29 firearm capable of being concealed upon the person to any peace
30 officer, as defined in Chapter 4.5 (commencing with Section 830)
31 of Title 3 of Part 2, who is authorized to, and who does, carry a
32 firearm during the course and scope of his or her employment.

33 (3) The sale, loan, or transfer of a pistol, revolver, or any other
34 firearm capable of being concealed upon the person to any
35 employee of any law enforcement agency or any agency

1 authorized to perform law enforcement duties, who is authorized
2 to, and who does, carry a firearm during the course and scope of
3 his or her employment.

4 (4) The sale of a pistol, revolver, or any other firearm capable
5 of being concealed upon the person, pursuant to Section 12082.

6 (5) The sale, loan, or transfer of a pistol, revolver, or any other
7 firearm capable of being concealed upon the person that is a curio
8 or relic, as defined in Section 178.11 of Title 27 of the Code of
9 Federal Regulations, or that is an antique firearm, as defined in
10 paragraph (16) of subsection (a) of Section 921 of Title 18 of the
11 United States Code.

12 (6) The return of a pistol, revolver, or any other firearm capable
13 of being concealed upon the person by a dealer to the owner of that
14 firearm.

15 (7) The sale, loan, or transfer of a pistol that is sanctioned by
16 the International Olympic Committee and by USA Shooting, the
17 national governing body for international shooting competition in
18 the United States, and that is used for Olympic target shooting
19 purposes as specified in paragraph (2) of subdivision (h) of Section
20 12132.

21 (d) The Attorney General shall adopt rules and regulations for
22 the implementation and enforcement of this section. The rules and
23 regulations shall permit a pistol, revolver, or other firearm capable
24 of being concealed upon the person that incorporates an integrated
25 mechanical safety device pursuant to this section to be discharged
26 by a person to whom the firearm is lawfully loaned.

27 (e) A violation of this section is punishable by a civil penalty
28 of up to fifty thousand dollars (\$50,000) for each firearm that is
29 sold, loaned, or transferred in violation of this section.

30 (f) The sale, loan, or transfer of a pistol, revolver, or other
31 firearm capable of being concealed upon the person by a person
32 licensed pursuant to Section 12071 in violation of this section shall
33 constitute a breach of the license issued pursuant to Section 12071,
34 and the license shall be subject to forfeiture.

